

EIGHTH DAY.

(Friday, September 7, 1917.)

The House met at 9:30 o'clock a. m.,
pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following
members were present:

Baker.	Monday.
Beard of Milam.	Moore.
Beasley.	Morris.
Beason.	Murrell.
Bedell.	Neill.
Bell.	Nordhaus.
Bertram.	O'Banion.
Blackmon.	Osborne.
Bland.	Peyton.
Bledsoe.	Pillow.
Bryan.	Raiden.
Bryant.	Reeves.
Burton of Rusk.	Roemer.
Butler.	Russell.
Cadenhead.	Sackett.
Cates.	Sallas.
Clark.	Sentell.
Cope.	Schlesinger.
Cox.	Schlosshan.
Davis of Grimes.	Scholl.
Davis	Seawright.
of Van Zandt.	Sholars.
De Bogory.	Smith of Bastrop.
Denton.	Smith of Hopkins.
Dudley.	Smith of Scurry.
Dunnam.	Spencer of Wise.
Estes.	Spradley.
Fairchild.	Stewart.
Fisher.	Strayhorn.
Fitzpatrick.	Terrell.
Florer.	Thomason
Fly.	of El Paso.
Haidusek.	Thomason
Hardey.	of Nacogdoches.
Harris.	Thompson
Hill.	of Hunt.
Holaday.	Thompson
Holland.	of Red River.
Hudspeth.	Tillotson.
Johnson.	Tilson.
Laas.	Tinner.
Lacey.	Trayler.
Lanier.	Tschoepe.
Lee.	Upchurch.
Lindemann.	Veatch.
McComb.	Walker.
McCoy.	White.
McDowra.	Williford.
McMillin.	Wilson.
Mendell.	Woods.
Miller of Austin.	Woodul.
Miller of Dallas.	Yantis.

Absent.

Bagby.	Blackburn.
Beard of Harris.	Brown.

Burton of Tarrant.	Peddy.
Canales.	Poage.
Greenwood.	Pope.
Hawkins.	Richards.
Lowe	Rogers.
of McMullen.	Spencer of Nolan.
Low	Swope.
of Washington.	Thomas.
McFarland	Valentine.
Martin.	Wahrmund.
Neeley.	Williams
Nichols.	of Brazoria.
O'Brien.	

Absent—Excused.

Blalock.	Meador.
Carlock.	Metcalf.
Crudgington.	Parks.
Davis of Dallas.	Robertson.
Dodd.	Taylor.
Hartman.	Templeton.
Jones.	Williams
Laney.	of McLennan.
Lange.	

The Speaker announced a quorum
present.

Prayer was then offered by Rev. J. C.
Mitchell, Chaplain, as follows:

Our Heavenly Father we thank Thee
for this bright new day. We pray Thee
to look with tender mercy on us; bless
us with all needful blessings. Help us
to come to the duties of this day in Thy
fear and favor. Guide each member of
this House to the close of this day that
each may say he has done his duty before
God and before man. Forgive us for all
of our sins for Jesus' sake. Amen.

LEAVES OF ABSENCE GRANTED.

The following members were granted
leaves of absence on account of impor-
tant business:

Mr. Robertson, for this week, on mo-
tion of Mr. Bryant.

Mr. Metcalfe, for today and tomorrow,
on motion of Mr. Sackett.

Mr. Dodd, for yesterday and today, on
motion of Mr. Cadenhead.

Mr. Woods, for last Saturday and Sun-
day, on motion of Mr. Cope.

The following members were granted
leaves of absence on account of sickness:

Mr. Meador, for yesterday, today and
indefinitely, on motion of Mr. Thomason
of Nacogdoches.

Mr. Jones, for yesterday, today and
tomorrow, on motion of Mr. Dudley.

BILL ORDERED NOT PRINTED.

On motion of Mr. Lanier, it was ordered that House bill No. 10 be not printed.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Denton, Mr. Nordhaus, Mr. Holland and Mr. Beason:

H. B. No. 13, A bill to be entitled "An Act appropriating the fees and fines collected under the provisions of Chapter 108, Acts of the Thirty-fourth Legislature, Regular Session, 1915, during the remainder of the fiscal year ending August 31, 1918, and the fiscal year ending August 31, 1919, for the support of the Bureau of Labor Statistics in the enforcement of this Act, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Woods, Mr. Dunnam, Mr. O'Bannion, Mr. Smith of Scurry, Mr. Bell, and Mr. Holland:

H. B. No. 14, A bill to be entitled "An Act to amend Chapter 42 of the General and Special Laws of this State of the First Called Session of the Thirty-fifth Legislature, relating to the State Institution for the Training of Juveniles, as found on pages 92 and 93 of the laws of the First Called Session of the Thirty-fifth Legislature."

Referred to Committee on Juvenile Reforms.

By Mr. Bryan:

H. B. No. 15, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of the State of Texas, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of the courts as herein fixed; to validate such process and to validate the summoning of grand and petit juries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

(Mr. Mendell in the chair.)

REQUESTING INFORMATION FROM PENITENTIARY COMMISSIONERS.

Mr. Reeves offered the following resolution:

Whereas, On Monday morning, of September 3, 1917, there appeared in the Austin American a signed statement of James E. Ferguson in which he made the following statement:

"While they are howling about the 2 per cent interest on \$100,000 or \$200,000 for sixty days, which they say I stole from the State, I want to remind them that the Penitentiary System last year made \$400,000 clear money and will make \$1,000,000 this year under my management." And

Whereas, A report of State Treasurer Edwards shows that the Penitentiary Commission deposited in the State Treasury for the entire year of 1916, only \$280,593.22; and

Whereas, The Legislature in 1915 was called on to appropriate \$465,000 to support the expense of the Penitentiary Commission; and

Whereas, The Thirty-fifth Legislature of 1917 appropriated the sum of \$750,000 to pay the outstanding indebtedness against the Penitentiary Commission; and

Whereas, These sums come directly from the tax payers of the State and were used in the payment of the indebtedness and obligations of the Penitentiary Commission; and

Whereas, During the Regular Session of the Thirty-fifth Legislature there was a resolution adopted by the Legislature recommending a full and complete statement of all debts due or to become due by the Penitentiary System, or obligations which have been created since January 1, 1915, such statement to show dates of the indebtedness for which said amount is due, the nature of the indebtedness, whether notes or open accounts, to whom these debts are due, for what they were incurred, the rate of interest, the date of maturity of each debt and such other information as would enable the Legislature to determine exactly the amount due by said system on the 1st day of March, 1917, and the Prison Commission so far failed to do so; therefore, be it

Resolved, That the Penitentiary Commission as early as possible submit to this Legislature a complete statement covering 1915 and 1916 income of the Penitentiary System, said statement to show the income of each farm and each

industry separately, and show the exact items which create the income, whether in money, increase of personal property in addition thereto, or permanent improvements.

And a complete statement of expenditures for each year, 1915 and 1916. This to be itemized and show as to each farm and each industry.

And a complete statement of the cane contract out of which the State will make \$1,000,000 as stated by James E. Ferguson.

And a full statement of the amount of money now on hand, when and where deposited, cotton and cotton seed now unsold, sugar, syrup, blackstrap and all the products to be sold by the Commissioners, the disposition of the \$591,000 profit in the 1916 crops.

And the said Commissioners and the auditor of the Penitentiary System are hereby requested and instructed to show in said statement, the property belonging to said system, or the State of Texas, which has been sold by the Commission since January 1, 1915, the price received for said property, the reason for selling same, and the method by which it was sold, whether by private sale or public advertising, and the statement to show sale of iron, either new or scrap, at the Rusk branch of the Penitentiary System, the price per ton at which same was sold; and

It is unquestionably the policy to know the true situation, and for the Legislature to co-operate with the officials of the State in preventing a deficit, and to those who are in charge of the State penal institutions, in order to make a satisfactory showing, so shape their course that the subsequent administration of the Legislature will be compelled to pay the cost of continuing a policy which has resulted disastrously financially to the State; therefore, be it further

Resolved, That said Commissioners and auditors of the Penitentiary System are hereby instructed to furnish the information herein requested at the earliest date practicable, not later than September 20, 1917, so that said information may be in the possession of this Legislature for its consideration and use during this Special Session of the Legislature.

The resolution was read second time.

On motion of Mr. Moore, the resolution was referred to the Committee on Penitentiaries.

(Speaker in the chair.)

COMMUNICATION FROM CONGRESSMAN BUCHANAN.

The Speaker laid before the House and had read the following communication from Hon. J. P. Buchanan:

Washington, D. C., Sept. 6, 1917.

Hon. Leonard Tillotson, Austin, Texas:

I am pleased to state that my Committee on Appropriations has reported favorably to the House the appropriation of two hundred fifty thousand dollars on account of the menace to cotton culture in the United States arising from the existence of the pink boll worm in Mexico. The Secretary of Agriculture in order to prevent the establishment and spread of such worm in Texas and other parts of the United States is authorized to make surveys to determine its actual distribution in Mexico; to establish in co-operation with the States concerned a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico, and to co-operate with the Mexican government or local Mexican authorities in the extermination of local infestations near the border of the United States. This action of the Appropriations Committee practically assures the passage of the appropriation through Congress. I am confident the Legislature of Texas will measure up to the requirements of the House.

JAMES P. BUCHANAN, M. C.

MESSAGES FROM THE ACTING GOVERNOR.

Mr. S. Raymond Brooks, private secretary to the Acting Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Acting Governor, which were read to the House:

Governor's Office.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of an amendment to Chapter 42 of the General and Special Laws of the State of Texas of the First Called Session of the Thirty-fifth Legislature, relating to the State Institution for the Training of Juveniles, pro-

viding for the correction of errors in enrolling said act.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of an act to reorganize the Seventieth Judicial District of the State of Texas, and to make all processes issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of the courts as may be specified; to validate such processes and to validate the summoning of grand and petit jurors and juries.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

OPINION OF ATTORNEY GENERAL.

The Speaker laid before the House and had read the following communication from the Attorney General:

Constitutional Law.

Chapters 29 and 204, Acts of Thirty-fifth Legislature, 1917, providing for West Texas A. and M. College and Northeast Agricultural College are constitutional.

Legislature has constitutional power to establish and provide for the support of such colleges and universities as in its judgment may be demanded by the public interest.

Austin, Texas, September 6, 1917.

Hon. F. O. Fuller, Speaker of the House, Capitol.

Dear Sir: We are in receipt of a copy of House Resolution No. —, by Tillotson, stating the history of Chapters 29 and 204, Acts of the Thirty-fifth Legislature, Regular Session, providing for the establishment, etc., of the "West Texas Agricultural and Mechanical College" and the "Northeast Texas Agricultural College," respectively, and requesting the opinion of this Department upon the question of the constitutional authority of the Legislature thus to make provision for such colleges.

Section 48 of Article 3 of the Con-

stitution empowers the Legislature "to levy taxes or impose burdens upon the people," "to raise revenue for the economical administration of the government, in which may be included the following purposes:

"* * * The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas."

The "Agricultural and Mechanical College" referred to in this section is the one established by the Act of April 17, 1871, and referred to in Section 13 of Article 7 of the Constitution. By Section 10 et seq. of Article 7 provision is also made for the establishment, etc., of the "University of Texas." Section 48 of Article 3 and Sections 10 and 13 of Article 7, being parts of the same instrument, and being somewhat in pari materia, must be read together; when this is done it will be seen that the granting power of Section 48 is much broader in its scope than mere provision for the "University of Texas" and the "Agricultural and Mechanical College." The language is that the Legislature may provide for "colleges and universities,"—both terms being in the plural. This general language, undoubtedly, includes the "University of Texas" and the "Agricultural and Mechanical College" established by the Act of April 17, 1871, but it also includes such other colleges and universities as may be "established by the State." The term "established by the State" is both prospective and retrospective in meaning; this must be true, because it modifies the term "colleges and universities,"—plural terms,—while, at the time the provision was adopted, there was but one university and one college for whose establishment provision had been made by the Legislature. The people certainly intended that support should be given the one university and the one college already established; they as clearly intended that others might be established, else they would have limited the provision to the one university and the one college instead of using the general plural terms "colleges and universities."

Section 48 clearly contemplates the proposition that additional colleges and universities may be demanded by the public interest, and makes provision for such contingencies, as may from time to time arise, by authorizing the Legisla-

ture to impose "burdens upon the people" for the establishment and support thereof.

We have here, therefore, a specific grant of power to accomplish a general object, to-wit: The support of such "colleges and universities" as may be "established by the State." The terms "college" and "university" are left undefined—they are, more or less, incapable of accurate definition, their significance adjusting themselves to the changing needs of time and development. The number of "colleges" and the number of "universities," likewise, is left indefinite. The time and place, and the circumstance, of their establishment "by the State"—except with respect to the "University of Texas" and the "Agricultural and Mechanical College" provided for by the Act of April 17, 1871—are all left uncertain. Who, then, shall determine what shall constitute a "college" or a "university," how many and what kinds of "colleges and universities" we shall have, and when and where they shall be located? The answer is obvious. The body—the Legislature—in whom is vested the general power, has also the power to do all things needful for the full accomplishment of the general purpose. Section 1 of Article 3, itself, vests in the Legislature plenary authority to provide for the public education, by the establishment of essential schools, and Section 48 thereof is tantamount to a command that in the school system shall be included such "colleges and universities" as may be required by the public interest. And that the "colleges and universities" which may be established under the authority of Section 48 are not limited in number or kind by the provisions with respect to the "University of Texas" and the particular "Agricultural and Mechanical College" referred to is a proposition demonstrable by the fact that the general language of Section 48 is much too broad to be limited to these two institutions and their branches.

For the general reasons stated above, we are of the opinion that the Legislature had the power to establish colleges of the kind described in the two statutes referred to. We are, also, of the opinion that there is nothing in the manner in which this power was exercised in the details of the statutes to render them void, and our reasons for this opinion will now be briefly stated.

Your resolution suggests the idea that

these Acts may be unconstitutional, because they undertake to make the new colleges "branches" of the Agricultural and Mechanical College" at Bryan, Texas, or "branches" of the "University of Texas." The uniform legislative and executive construction of the relevant provisions of the Constitution is that branches of these institutions may, validly, be created by statute, and that such "branches" may be located at places other than Austin and Bryan. Familiar instances of such construction are the statutes, enacted by the Legislature and approved by the Governor, creating the Medical Branch of the University located at Galveston and creating the School of Mines located at El Paso, and creating the West Texas A. and M. College to be located as provided by Chapter 29, Acts of 1917. Of course, legislative and executive construction of constitutional provisions are not binding and are worthless if clearly wrong, but in doubtful cases they are entitled to great weight (Lewis' Sutherland Statutory Construction, Sec. 476). The fact that the Legislature, expressly given the general power to create and support "colleges and universities" by Section 48 of Article 3, together with the undoubted fact that it has wide discretion as to the choice of means and manner in which this general power may be exercised, afford substantial grounds for saying that it may establish "colleges and universities" as independent units or as parts or branches of those already established as it may choose; this being true, and the Legislative and Executive Departments of the Government for a long time having used the power to establish and maintain branches of the two institutions expressly provided for in the Constitution, we think this assumption of the existence of the power is of such great weight that we would not be justified in saying that the power does not exist, even if we should think its existence to be doubtful.

But if it should be true that the power to create "branches" of the "University of Texas" and of the "Agricultural and Mechanical College" at Bryan does not exist, still we think that the legislation providing for the so-called branches of these institutions would be sustained by the courts. It is familiar law that a statute will be given a construction, if possible, which will harmonize it with the Constitution, and at

the same time accomplish the material objects sought. In "Sedgwick on Statutory and Constitutional Law," at page 593, the rule is thus stated: "It has been repeatedly held, that to warrant courts in setting aside a law as unconstitutional, the case must be so clear that no reasonable doubt can be said to exist." A corollary of this rule is that parts of a statute may be stricken out for unconstitutionality, and if enough remains to constitute a workable statute, the remaining portions will be left in force. (Ibid., 595.) Assuming, arguendo, that the power to create "branches" does not exist, and assuming, further, that the legislation providing for the Medical Branch of the University, the School of Mines, the Northeast Texas Agricultural College and the West Texas A. and M. all undertake to make these schools "branches" of the University and the A. and M. College at Bryan, we think it is very clear that the power to establish and support all these schools, under such legislation, still exists. This follows, we think, from the fact that the supposed connection making these institutions "branches" of the others is largely a matter of nomenclature and that they are, in effect, independent colleges such as may be created and supported under the warrant of Section 48, Article 3. In effect, the only substantial connection between the so-called "branches," on the one hand, and the University or the A. and M. College at Bryan, on the other, is that the general management of the University and the Medical Branch and the School of Mines is placed in one Board of Regents, and the general management of the other schools is placed in the Board of Directors of the A. and M. College at Bryan. But there is nothing in the Constitution to forbid the common management of any or all of the State's educational institutions. The Legislature, having decided to establish new colleges, has the undoubted right to provide for the management thereof as it may see fit; it may provide for an independent board (Section 30a, Article 16), or it may devolve the additional duties of the management of the new schools upon existing officers. The management of the new schools, being executive, could have been placed in a board composed of the Comptroller, State Treasurer and Attorney General, or other executive officers (Arnold vs. State, 71 Texas, 239; M., K. & T. vs.

Shannon, 10 Texas, 388), but if this had been done it is obvious that the schools would not have become parts or branches of the departments presided over by these officers. So, with respect to the Medical Branch of the University and the School of Mines, if it should be held that they cannot be "branches" of the University, it would be held, we think, that they are separate colleges, validly created, whose management is placed in the persons who happen to be members of the Board of Regents of the University; in such a case, and under such a construction, the Medical Branch and the School of Mines would be completely organized and provided for as separate colleges. And so with respect to the West Texas A. and M.; the only apparent connection between this school and the Agricultural and Mechanical College at Bryan consists in the facts that the one is, by the statute creating it, called a "branch" of the other and the management of both is placed in the persons who compose the same board. While the statute creating the West Texas A. and M. denominates it as a branch of the A. and M. College at Bryan, it is so in name only, because, in effect, it is by the substantive terms of the statute, made a new and separate college whose management is vested in the persons constituting the Board of Directors of the A. and M. College at Bryan. As already stated, the Legislature, having the choice of management, had the right to devolve this new duty upon the officers who are charged with the management of the other institution, and these officers will, in the management of the new school, act, not as managers of the A. and M. College at Bryan, but as managers of the new school deriving their authority from the terms of Chapter 29.

With respect to the Northeast Texas Agricultural College, the statute does not term it a "branch" of the A. and M. College at Bryan. We are unable to find any such purpose declared in the statute, nor by the application of the well established rules of construction, can we deduce such a purpose by implication. The caption of the act accurately states the main purpose to be "to establish a Junior Agricultural College east of the 96th meridian and north of the 31st parallel," and the subsidiary purpose to be the provision for the management thereof when established; Section 1 declares that "There shall be

established in this State a Junior Agricultural College to be known as the "Northeast Texas Agricultural College," and Section 5 defines what character of school it shall be; this is the substantive law. Section 4 provides that "the government and direction of policies of said junior college shall be vested in the Board of Directors of the Agricultural and Mechanical College of Texas." Section 4 does not make the new school a branch of the A. and M. College at Bryan; it simply devolves upon the officers heretofore selected to manage the A. and M. College at Bryan the new and additional duties of managing the new school.

Yours truly,
LUTHER NICKELS,
Assistant Attorney General.

This opinion has been passed upon, approved by this department in executive session, and is ordered recorded.

B. F. LOONEY,
Attorney General.

RELATING TO SUSPENSION OF LAWS CREATING SCHOOLS.

Mr. Dunnam offered the following resolution:

Whereas, The House of Representatives and the Senate of Texas adopted resolutions during the Second Called Session of the Legislature asking the Governor to submit for the purpose of suspension or repeal the laws heretofore enacted by the Thirty-fifth Legislature in Regular Session creating the West Texas A. and M. College and three additional normal schools, which bills carry appropriations aggregating more than a million dollars; and

Whereas, There is now pending before the House of Representatives a bill carrying an appropriation of \$500,000 for the relief of drouth sufferers in this State; and

Whereas, The enormous and exorbitant burden of taxation occasioned by the creation of these new institutions makes it impossible for us to respond to the needs of suffering humanity in those sections of the State that have been visited by severe drouth; and

Whereas, It is important that we be advised as to whether or not the Acting Governor will submit said bills so that we may be able to act with wisdom and discretion in the matter of remitting taxes and making appropriations for the assistance of those sections of

the State that are in need; therefore, be it

Resolved by the House of Representatives, That in view of present existing conditions we again earnestly and most respectfully request the said Acting Governor that the laws creating the West Texas A. and M. College and normal schools be resubmitted to this body for the purpose of suspension or repeal.

The resolution was read second time.

Mr. Peyton moved to postpone further consideration of the resolution indefinitely.

Question—Shall the motion to postpone indefinitely prevail?

APPOINTMENT OF EMPLOYEES ANNOUNCED.

The Speaker announced the appointment of the following employees of the House:

Assistants to the Enrolling and Engraving Departments: Mrs. Lucy B. Daugherty, Helmuth Ehlers.

Committee Clerks: Frank Tiller, Dan Watson, A. S. Justice.

Messenger to carry papers to Confederate Home: S. F. Green.

Porter: Frank Seroggins, in lieu of Isaac Edwards, resigned.

ADJOURNMENT.

Mr. Miller of Dallas, moved that the House adjourn until 9:30 o'clock a. m. next Monday.

Mr. Fisher moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Question first recurring on the motion of Mr. Miller of Dallas, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—36.

Beason.	Moore.
Bledsoe.	Morris.
Bryant.	Nordhaus.
Cates.	O'Banion.
Cox.	Pillow.
De Bogory.	Roemer.
Denton.	Sentell.
Dudley.	Schlesinger.
Estes.	Smith of Bastrop.
Fairchild.	Smith of Scurry.
Fitzpatrick.	Spradley.
Hardey.	Strayhorn.
Lacey.	Swope.
Lee.	Thomason
Lindemann.	of Nacogdoches.
McCoy.	Tinner.
McDowra.	Upchurch.
Mendell.	White.
Miller of Dallas.	

Nays—48.

Baker.	Osborne.
Beasley.	Peyton.
Bedell.	Raiden.
Bertram.	Reeves.
Blackmon.	Russell.
Burton of Rusk.	Sackett.
Butler.	Schlosshan.
Cadenhead.	Scholl.
Cope.	Seawright.
Davis of Grimes.	Smith of Hopkins.
Davis	Stewart.
of Van Zandt.	Terrell.
Dunnam.	Thomason
Fisher.	of El Paso.
Florer.	Thompson
Harris.	of Hunt.
Hill.	Tillotson.
Holaday.	Tilson.
Holland.	Trayler.
Hudspeth.	Tschoepe.
Johnson.	Veatch.
Laas.	Walker.
Lanier.	Williford.
McComb.	Wilson.
Monday.	Yantis.
Neill.	

Present—Not Voting.

Mr. Speaker.	McMillin.
Bryan.	Murrell.
Fly.	Spencer of Wise.
Haidusek.	Woods.

Absent.

Bagby.	Neeley.
Beard of Harris.	Nichols.
Beard of Milam.	O'Brien.
Bell.	Peddy.
Blackburn.	Poage.
Bland.	Pope.
Brown.	Richards.
Burton of Tarrant.	Rogers.
Canales.	Sallas.
Clark.	Sholars.
Greenwood.	Spencer of Nolan.
Hawkins.	Thomas.
Lowe	Thompson
of McMullen.	of Red River.
Low	Valentine.
of Washington.	Wahrmund.
McFarland.	Williams
Martin.	of Brazoria.
Miller of Austin.	Woodul.

Absent—Excused.

Blalock.	Meador.
Carlock.	Metcalfe.
Crudginton.	Parks.
Davis of Dallas.	Robertson.
Dodd.	Taylor.
Hartman.	Templeton.
Jones.	Williams
Laney.	of McLennan.
Lange.	

Question next recurring on the motion of Mr. Fisher, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—55.

Beasley.	Mendell.
Beason.	Neill.
Bertram.	Nordhaus.
Blackmon.	Raiden.
Bryant.	Reeves.
Burton of Rusk.	Roemer.
Butler.	Sackett.
Cope.	Schlesinger.
Cox.	Schlosshan.
Davis of Grimes.	Scholl.
Davis	Seawright.
of Van Zandt.	Smith of Bastrop.
De Bogory.	Smith of Scurry.
Denton.	Spradley.
Estes.	Strayhorn.
Fairchild.	Swope.
Fisher.	Thomason
Fitzpatrick.	of El Paso.
Florer.	Thomason
Hardey.	of Nacogdoches.
Harris.	Tilson.
Hill.	Trayler.
Holaday.	Tschoepe.
Holland.	Upchurch.
Laas.	Walker.
Lacey.	White.
Lee.	Williford.
McComb.	Wilson.
McDowra.	Yantis.

Nays—25.

Baker.	O'Banion.
Bedell.	Osborne.
Cadenhead.	Peyton.
Cates.	Pillow.
Dudley.	Russell.
Dunnam.	Smith of Hopkins.
Johnson.	Stewart.
Lanier.	Terrell.
Lindemann.	Thompson
McCoy.	of Hunt.
Miller of Dallas.	Tillotson.
Monday.	Tinner.
Morris.	Veatch.

Present—Not Voting.

Bledsoe.	McMillin.
Bryan.	Murrell.
Fly.	Spencer of Wise.
Haidusek.	Woods.

Absent.

Bagby.	Bland.
Beard of Harris.	Brown.
Beard of Milam.	Burton of Tarrant.
Bell.	Canales.
Blackburn.	Clark.
Blalock.	Greenwood.

Hawkins.	Pope.
Hudspeth.	Richards.
Low	Rogers.
of McMullen.	Sallas.
Low	Sentell.
of Washington.	Sholars.
McFarland.	Spencer of Nolan.
Martin.	Thomas.
Miller of Austin.	Thompson
Moore.	of Red River.
Neeley.	Valentine.
Nichols.	Wahrmund.
O'Brien.	Williams
Peddy.	of Brazoria.
Poage.	Woodul.

Absent—Excused.

Carlock.	Meador.
Crudgington.	Metcalfe.
Davis of Dallas.	Parks.
Dodd.	Robertson.
Hartman.	Taylor.
Jones.	Templeton.
Laney.	Williams
Lange.	of McLennan.

The House accordingly, at 11:10 o'clock a. m., adjourned until 9:30 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF COMMITTEE ON REFORMS IN CIVIL PROCEDURE.

Committee Room,

Austin, Texas, September 6, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 2, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Dunnam has been appointed to make a full report thereon.

CARLOCK, Chairman.

REPORT OF COMMITTEE ON CRIMINAL JURISPRUDENCE.

Committee Room,

Austin, Texas, September 6, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 5, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

FISHER, Vice-Chairman.

NINTH DAY.

(Saturday, September 8, 1917.)

The House met at 9:30 o'clock a. m., pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Mr. Speaker.	Murrell.
Baker.	Neill.
Beasley.	Nordhaus.
Beason.	O'Banion
Bedell.	Osborne.
Bertram.	Peyton.
Blackmon.	Pillow.
Bledsoe.	Raiden.
Bryan.	Reeves.
Byrant.	Russell.
Burton of Rusk.	Sackett.
Butler.	Sentell.
Cadenhead.	Scholl.
Clark.	Seawright.
Cope.	Sholars.
Cox.	Smith of Hopkins.
Davis of Grimes.	Smith of Scurry.
Davis	Spencer of Wise.
of Van Zandt.	Spradley.
De Bogory.	Stewart.
Denton.	Swope.
Dudley.	Terrell.
Fisher.	Thomason
Fitzpatrick.	of El Paso.
Florer.	Thomason
Fly.	of Nacogdoches.
Haidusek.	Thompson
Harris.	of Hunt.
Hill.	Thompson
Holiday.	of Red River.
Holland.	Tillotson.
Hudspeth.	Tilson.
Johnson.	Traylor.
Laas.	Tschoepe.
Lacey.	Upchurch.
Lanier.	Veatch.
Lindemann.	Walker.
McComb.	White.
McCoy.	Williford.
McDowra.	Wilson.
McMillin.	Woods.
Mendell.	Woodul.
Monday.	Yantis.
Moore.	

Absent.

Bagby.	Dunnam.
Beard of Harris.	Estes.
Beard of Milam.	Fairchild.
Bell.	Greenwood.
Blackburn.	Hardey.
Bland.	Hawkins.
Brown.	Lee.
Burton of Tarrant.	Lowe
Canales.	of McMullen.
Cates.	